

REMARKS

Claims 2-20 and 22-36 are currently pending in the present application. A petition and request for a three month extension of time is attached. The allowability of claims 18-20, 22 and 29-31 is gratefully acknowledged. Reconsideration of the remaining claims is respectfully requested in light of the amendments and arguments submitted herein.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1-9, 11-14, 21, 23, 26-28 and 32 were rejected under 35 U.S.C. §102(b) as being anticipated by VanDenberg, U.S. Patent No. 5,718,445. Newly independent claim 2 defines a vehicle suspension assembly that comprises, among other things, a first control arm adapted to be pivotally coupled to a first frame member and an axle, a second control arm adapted to be pivotally coupled to a second frame member and an axle, and a rigid first torsional member coupled to the first control arm along a length of the first control arm rearward of the first bushing and forward of an axle, and coupled to the second control arm along a length of the control arm rearward of the second bushing and forward of an axle, and wherein the first torsional member is fixedly coupled to the first control arm proximate the first end of the control arm, and wherein the torsional member is fixedly coupled to the second control arm proximate the first end of the second control arm. VanDenberg does not disclose the torsional member being coupled to associated control arms proximate an end thereof. Specifically, VanDenberg discloses a stabilizer bar affixed to associated control arms at nearly a midpoint of the control arms. As set forth in MPEP 2111.01, the words of a claim must be given their “plain meaning unless they are defined in the specification.” Specifically, “ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say.” *Leibel-Flarsheim Co. v. Medrad, Inc.*, 358 F.3d 898, 906, 69 U.S.P.Q.2d 1801, 1807 (Fed. Cir. 2004). *Merriam-Webster*, copyright 2007, defines “proximate” as “very near.” As

VanDenberg '445 fails to disclose a control arm that is "proximate" ends of associated control arms, it cannot anticipate that which is defined in newly independent claim 2.

Accordingly, claim 2 is in condition for allowance. Claims 2-17 are dependent from independent claim 2 which is in condition for allowance, as noted above, and are therefore also in condition for allowance. In addition, claim 8 defines the bushings of the first and second ends of the first and second control arms as each including an aperture extending therethrough, wherein the aperture is elongated, and is therefore also allowable over VanDenberg for these additional reasons.

Newly independent claim 22 was indicated to be allowable in the preceding Office Action. Claims 23-28 have been amended to depend from claim 22, which is in condition as noted above, and are therefore also in condition for allowance.

CLAIM REJECTIONS UNDER 35 U.S.C. §103:

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over VanDenberg in view of Mair, U.S. Patent No. 6,409,280. Applicants believe this rejection to be moot in view of the amendments as noted above. However, Applicants further note that the Mair patent is directed to, defines and discloses a truck and trailer hub and is non-analogous art. Specifically, claim 10 defines a the coupling of a torsional member between control arms in the associated vehicle suspension assembly, while Mair discloses a truck and trailer axle hub. It is well known that the scope of pertinent prior art has been defined as that reasonably pertinent to a particular problem with which the inventor was involved. *Lindemann Maschine Fabrik GmbH. v. American Hoist and Derrick Co.*, 730 F.2d 1452, 1460, 221 U.S.P.Q. 481, 487 (Fed. Cir. 1984) quoting *Stratoflex, Inc. v. Aeroquip Corp.* 713 F.2d 1530, 1535, 218 U.S.P.Q. 871, 876 (Fed. Cir. 1983). Therefore, Applicants submit that it is improper to combine that which is taught in the respective references as they are non-analogous art.

Claims 15 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over VanDenberg in view of Bell, U.S. Patent No. 1,984,565. The rejection is based on an argument that Bell teaches a vehicle wheel suspension assembly with an L-shaped

control arm on which a bar is connected to an elbow, and that it would have been obvious to one of ordinary skill in the art at the time of the invention to applied the teaching of Bell of an L-shaped control arm to the vehicle suspension assembly of Pierce [sic.] and have coupled the torsion bar to the elbows of the first and second arms to allow for the torsion member to be coupled to the control arm in a spot other than the connecting point between the control arm and the vehicle frame member while still being connected to the end of the control arm. However, none of the support for this combination, and specifically for the arrangement as argued, is taught, motivated or suggested in the art, nor would it have been obvious to one of ordinary skill in the art. Specifically, the arguments are based on an assumption that it would have been obvious to attach a torsional member into a point that, within Bell, is currently occupied by a pivot bushing, and that it would have been obvious to replace this pivot bushing with a fixed connection between the torsional member and the control arm, which is also not suggested.

Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over VanDenberg in view of Gobe, U.S. Patent No. 2,823,927. Specifically, it is argued that Gobe teaches a vehicle suspension system that comprises at least one control arm, the end of which is fork-shaped and attached to an associated vehicle's axle, and that it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaches of Gobe's fork-shaped control arm to the vehicle suspension assembly of VanDenberg et al. to reduce friction between the axle and the control arm. However, Applicants are unsure as to how one would incorporate the forked-end of Gobe with the bushings of VanDenberg, and contend that such a significant reconfiguration of that which is actually taught by Gobe would not have been obvious.

Accordingly, claims 2-20 and 22-37 are believed to be in condition for allowance and a Notice of Allowability is earnestly solicited.

Respectfully submitted,

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